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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,717

07/03/2003

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0212.66426

4989

24978 7590 06/02/2009

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EXAMINER

CHOI, STEPHEN

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

06/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/613,717
Filing Date: July 03, 2003
Appellant(s): WASCOW, JOSEPH

Roger D. Greer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 16, 2009 appealing from the Office action mailed June 12, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claim 34 appears on page A2 of the Appendix to the appellant's brief. The minor errors are as follows: claim number --34-- is missing from line 2 of page A-2.

(8) Evidence Relied Upon

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4,011,782	CLARK ET AL	3-1977
6,691,418	LEWIN ET AL	2-2004
JP 59-167202	MATSUSHITA ELECTRIC	9-1984

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark et al. (US 4,011,782).

Clark discloses all the recited elements of the invention including a housing (e.g., at 20), a motor (e.g., at 20) disposed with the housing for rotating a circular saw blade (e.g., 56), a foot having a generally flat bottom surface (e.g., 22), a saw blade adjustment detent mechanism pivotally interconnecting the foot to the housing (e.g., at 40) and including a detent holding assembly carrying a pivotable saw blade adjustment detent (e.g., 122) with a pivot axis on one end portion (e.g., at 116), a transverse ridge (e.g., at 124), and a spring (e.g., 126) for biasing the detent into engagement with a recess (e.g., 128), and an arcuate member (e.g., 26) defining a plurality of spaced position recesses (e.g., 128). Regarding claim 35, a mounting bracket (e.g., 134) engageable with a locking lever (e.g., 130).

Claims 32, 37-38, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 59167202 (hereafter '202).

'202 discloses all the recited elements of the invention including a housing (e.g., at 2), a motor (e.g., 5) disposed with the housing for rotating a circular saw blade (e.g., 4), a foot having a generally flat bottom surface (e.g., 1), a saw blade adjustment detent

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mechanism pivotally interconnecting the foot to the housing (e.g., Figure 5) and including a detent holding assembly carrying a pivotable saw blade adjustment detent (e.g., 11) with a pivot axis on one end portion (e.g., the detent is pivotable when it is positioned as shown on Figure 6 and the pivot axis extends through one end portion to another end portion), a transverse ridge (e.g., 14), and a spring (e.g., 15) for biasing the detent into engagement with a recess (e.g., 13), and an arcuate member (e.g., 10) defining a plurality of spaced position recesses (e.g., 13). It is noted that a releasing force is applied to the foot via various connecting elements.

Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over '202 in view of Lewin et al. (US 6,691,418).

'202 discloses the invention substantially as claimed except for a bevel angle adjustment mechanism including a bevel angle detent and an arcuate member defining a plurality of spaced bevel angle recesses. Lewin discloses a bevel angle adjustment mechanism including a bevel angle detent (e.g., 48) and an arcuate member (e.g., 50) defining a plurality of spaced bevel angle intervals (e.g., 54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of '202 with a bevel angle adjustment mechanism as taught by Lewin as means for adjusting bevel angles. Regarding claim 41, a mounting bracket (e.g., 46) and a locking lever (e.g., 58).

(10) Response to Argument

Appellant contends that Clark fails to anticipate, teach or suggest the language "said detent being disengaged from one of said recesses when said foot is

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moved responsive to a user applying a releasing force to said foot without initiating any other action". Appellant further contends that the '202 reference also fails to anticipate, teach or suggest the language "said detent being disengaged from one of said recesses when said foot is moved responsive to a user applying a releasing force to said foot without initiating any other action".

The examiner respectfully disagrees. Clark teaches a device including a foot (e.g., 22) capable being moved responsive to a user applying a releasing force to the foot to release the foot from a position on a supporting surface to another position on the supporting surface without initiating any other action while the detent being disengaged from one of the position recesses. It is noted that the claim 32 does not preclude other releasing force other than a force to release the detent from one of the position recesses. The recitation "a user applying a releasing force" can include several steps. The user can hold a trigger member to disengage the detent from one of the recesses at the same time (i.e., when) moving or rotating the rest of the saw assembly by applying the releasing force to the foot. The claim does not call for "a releasing force" being a force to cause disengagement of the detent. The claim merely calls for the releasing force to move the foot and the detent being disengaged when the foot is moved. Furthermore, '202 patent does teach a device of capable disengaging the detent from one of the position recesses when the foot is moved responsive to a user applying a releasing force to the foot without initiating any other action/ as a direct result of a user applying a releasing force to the foot without initiating any other action. For example, a user can apply a force to move the foot from a position shown on Figure 4 to

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left direction while the detent (e.g., 11) being stationary. Such an action will release the detent from a position shown on Figure 5 to a position shown on Figure 6. Moreover, a user can apply a releasing force to the foot without any other action when other user disengages the detent from one of the recesses as a direct result of the releasing force. In addition, it is the examiner's position the term "a direct result" is not limited to only physical/structural interaction between parts. The user can apply a force to move the foot without any other action which directly causes the user to initiate detent disengagement. As set forth above, the examiner believes the recitation argued by the appellant is not limited to an interpretation made by the appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Stephen Choi/

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